

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FIRST ACT

Plaintiff(s)

v.

CIVIL ACTION

NO. 06-10223-MLW

FEDERATED DEPARTMENT STORES

Defendant(s)

SCHEDULING ORDER

WOLF, D.J.

This case is governed procedurally by the 1992 Amendments to the Local Rules of the United States District Court for the District of Massachusetts (the "Local Rules"), which implement the District's Civil Justice Expense and Delay Reduction Plan. Counsel must, therefore, comply with the relevant Local Rules in the litigation of this case.

It is hereby ORDERED pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16(f) that:

[X] 1. The parties shall by NOVEMBER 27, 2006 make the automatic document disclosure required by Local Rule 26.2(A) and, if applicable, disclose the information required by Local Rule 35.1

[X] 2. The parties shall by NOVEMBER 27, 2006 make the disclosure authorized by Local Rule 26.1(B)(1) and (2).

[X] 3. Counsel for the parties shall meet at least once to explore the possibility of settlement and report to the court by DECEMBER 1, 2006 the status and prospects for settlement.

If the case is not settled, the parties shall report whether they wish to participate in mediation to be conducted by a magistrate judge or attorney on the Court's panel of mediators.

[X] 4. The party with the burden of proof shall by DECEMBER 8, 2006 designate experts and disclose the information described in Fed. R. Civ. P. 26(a)(2), concerning each expert. Each other party shall by JANUARY 5, 2007 designate expert(s) and disclose the

information described in Fed. R. Civ. P. 26(a)(2).

[X] 5. All discovery shall be complete by JANUARY 31, 2007.

[X] 6. Counsel for the parties shall confer and, by FEBRUARY 13, 2007, file a report as to the prospects for settlement and whether either party feels there is a proper basis for filing a motion for summary judgment.

[X] 7. A scheduling conference will be held on FEBRUARY 21, 2007 at 4:00 pm and must be attended by trial counsel with full settlement authority or with their client(s). If appropriate, a schedule for filing motions for summary judgment will be established at this conference.

All provisions and deadlines contained in this Order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the Court or upon the request of counsel.

By the Court,  
DENNIS P. O'LEARY

November 15, 2006  
Date

/s/ Dennis O'Leary  
Deputy Clerk